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PATENT

TECH CENTER No. 5725.0833-00
Attorney Docket No. 1800/2900
Customer No. 22,852

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Véronique DOUIN et al.

Application No.: 09/766,403

Filed: January 22, 2001

For: NANOEMULSIONS COMPRISING AT
LEAST ONE AMPHIPHILIC LIPID, AT
LEAST ONE OIL, AND AT LEAST
ONE NONIONIC POLYMER, AND
USES THEREOF

Group Art Unit: 1617

Examiner: A. Berman

11

Assistant Commissioner for Patents
Washington, DC 20231

Sir:

REQUEST FOR CORRECTED PATENT APPLICATION PUBLICATION
UNDER 37 C.F.R. § 1.221(b)

On July 25, 2002, the Office published the above-identified application No. 09/766,403 as Publication No. US-2002/0098215-A1. The published application contains material mistakes that are the fault of the Office. Attached hereto is a copy of each relevant page of the originally filed application and a marked-up copy of the corresponding page of the published application containing the mistakes.

A mistake is material when it affects the public's ability to appreciate the technical disclosure of the patent application publication or determine the scope of the provisional

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rights that an applicant may seek to enforce upon issuance of a patent. See C.F.R. § 1.221(b).

The mistakes, which are indicated in red ink on the relevant pages of the marked-up copy of the published application attached hereto, are as follows:

1. On page 3, paragraph [0032], the published application recites "C₁₂ to C₁₄", however the original application recites "C₁₂ to C₁₄." The error is that the published application recites "C₁₄" rather than "C₁₄." This mistake, therefore, results in the disclosure of an erroneous formula. Thus, this mistake is material as it may affect the public's ability to appreciate the technical disclosure of the patent application publication. For at least this reason, this mistake should be corrected.

2. On page 5, paragraph [0090], the published application recites "sorbitan rnonopalmitate", however the original application recites "sorbitan monopalmitate." The error is that the published application recites "rnonopalmitate" rather than "monopalmitate." This mistake, therefore, results in the disclosure of an erroneous component. Thus, this mistake is material as it may affect the public's ability to appreciate the technical disclosure of the patent application publication. For at least this reason, this mistake should be corrected.

3. On page 6, paragraph [0109], the published application recites "—COO", however the original application recites "—COOH." The error is that the published application recites "—COO" rather than "—COOH." This mistake, therefore, results in the disclosure of an erroneous formula. Thus, this mistake is material as it may affect

the public's ability to appreciate the technical disclosure of the patent application publication. For at least this reason, this mistake should be corrected.

4. On page 6, paragraph [0111], the published application recites "R arid R'", however the original application recites "R and R'." The error is that the published application recites "R arid R' " rather than "R and R'." This mistake, therefore, results in the disclosure of an inaccurate teaching. Thus, this mistake is material as it may affect the public's ability to appreciate the technical disclosure of the patent application publication. For at least this reason, this mistake should be corrected.

5. On page 8, paragraph [0138], the published application recites "C₂-C₂₂", however the original application recites "C₁₂-C₂₂." The error is that the published application recites "C₂" rather than "C₁₂." This mistake, therefore, results in the disclosure of an erroneous formula. Thus, this mistake is material as it may affect the public's ability to appreciate the technical disclosure of the patent application publication. For at least this reason, this mistake should be corrected.

6. On page 8, paragraph [0147], the published application recites "Quaternium-83 5 (CTFA 1997)", however the original application recites "Quaternium-83 (CTFA 1997)." The error is that the published application recites a "5" after "83" which is not part of the original application. This mistake, therefore, results in the disclosure of an erroneous compound. Thus, this mistake is material as it may affect the public's ability to appreciate the technical disclosure of the patent application publication. For at least this reason, this mistake should be corrected.

7. On page 9, paragraph [0167], the published application recites " C_1-C_{21} ", however the original application recites " C_7-C_{21} ." The error is that the published application recites " C_1 " rather than " C_7 ." This mistake, therefore, results in the disclosure of an erroneous formula. Thus, this mistake is material as it may affect the public's ability to appreciate the technical disclosure of the patent application publication. For at least this reason, this mistake should be corrected.

8. On page 9, paragraph [0178], the published application recites " C_1-C_2 ", however the original application recites " $C_{11}-C_{21}$." The error is that the published application recites " C_1-C_2 " rather than " $C_{11}-C_{21}$." This mistake, therefore, results in the disclosure of an erroneous formula. Thus, this mistake is material as it may affect the public's ability to appreciate the technical disclosure of the patent application publication. For at least this reason, this mistake should be corrected.

9. On page 10, paragraph [0203], the published application recites "quaternary ammonium cliester salt", however the original application recites "quaternary ammonium diester salt." The error is that the published application recites "cliester" rather than "diester." This mistake, therefore, results in the disclosure of an erroneous formula. Thus, this mistake is material as it may affect the public's ability to appreciate the technical disclosure of the patent application publication. For at least this reason, this mistake should be corrected.

10. On page 12, paragraph [0267], the published application recites "hydrocarbon baseci", however the original application recites "hydrocarbon based." The error is that the published application recites "baseci" rather than "based." This mistake, therefore, results in the disclosure of an erroneous teaching. Thus, this

mistake is material as it may affect the public's ability to appreciate the technical disclosure of the patent application publication. For at least this reason, this mistake should be corrected.

11. On page 18, claim 30, the published application recites "wherein R_2 , is defined below", however the original application recites "wherein R_{21} is defined below." The error is that the published application recites " R_2 ," rather than " R_{21} ." This mistake, therefore, results in the disclosure of an erroneous formula. Thus, this mistake is material as it may affect the public's ability to appreciate the technical disclosure of the patent application publication. For at least this reason, this mistake should be corrected.

12. On page 18, claim 30, the published application recites "provided that the sum $x+y30z$ ", however the original application recites " $x+y+z$." The error is that the published application recites " $x+y30z$ " rather than " $x+y+z$." This mistake, therefore, results in the disclosure of an erroneous formula. Thus, this mistake is material as it may affect the public's ability to appreciate the technical disclosure of the patent application publication. For at least this reason, this mistake should be corrected.

13. On page 18, claim 43, the published application recites "from I to 3 carbon atoms", however the original application recites "from 1 to 3 carbon atoms." The error is that the published application recites "I" rather than "1." This mistake, therefore, results in the disclosure of an erroneous formula. Thus, this mistake is material as it may affect the public's ability to appreciate the technical disclosure of the patent application publication. For at least this reason, this mistake should be corrected.

Applicants request that the Office correct the mistakes identified above for which the Office is at fault in the published application, and forward to Applicants a copy of the corrected published application or at least a notification of the occurrence or predicted occurrence of the corrected publication once it has been corrected.

Applicants believe that no Petition or fee is due in connection with this Request. However, if any Petition or fee is due, please grant the Petition and charge the fee to our Deposit Account No. 06-0916.

Respectfully submitted,

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GARRETT & DUNNER, L.L.P.

By: 

Louis M. Troilo
Reg. No. 45,284

Date: September 20, 2002

Encl.

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